India on priority watch list over IPRs

*2. SHRI MOOLCHAND MEENA:
DR. T. SUBBARAMI REDDY:

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether United States has once again put India on the priority watch list of its 301 provision of the trade laws over inadequate protection of intellectual property rights;

(b) whether amendment in the Indian Patent laws which became effective from May, 2003 have been considered inadequate by the U.S.; and

(c) if so, the reasons therefor and the steps Government propose to take to further improve its patent laws?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI KAMAL NATH): (a) India has been retained in the Priority Watch List of the United States Trade Representative (USTR) along with 14 other trading partners of the United States.

(b) Yes, sir.

(c) According to the Special 301 Report, the Indian Patent Law is inadequate as it exempts protection to biotechnological inventions, methods for agriculture and horticulture, processes for the treatment of humans, animals or plants and substances prepared by chemcial processes.

Indian Intellectual Property Laws are fully TRIPS (Trade Related Aspects of Intellectual Property Rights) compliant. The existing law effectively balances and calibrates intellectual property protection with public health, national security and public interest concerns. However, India is required to amend the Patents Act by 1st January, 2005 to provide for product patent for inventions in the fields of food, chemicals and pharmaceuticals in terms of India's obligation under the TRIPS Agreement.